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Michael K. Burke, Esq.
Direct E-Mail: mburke@hwb-lawfirm.com

February 4, 2022

Honorable Kenneth M. Karas
United States District Court Judge
United States Courthouse
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Via ECF

Re: *United States v. Victor Burns* 21 CR 511

Dear Judge Karas,

I am submitting this letter in connection with Victor Burns' sentencing that is scheduled before your Honor on February 16, 2022. The plea agreement set forth the guideline range of 30 to 37. The probation department recommends a downward variance for sentence of 24 months followed by 5 years of supervised release. The defendant agrees with the probation department that a downward variance is warranted but is respectfully requesting a time served sentence of 5 months concurrent with his violation of supervised release. Such as sentence is sufficient but not greater than necessary.

The reasons for the requested sentence are the following: (1) defendant has already served a two-year term for the bank fraud charges. This same criminal conduct were part of the violations of supervised release in May of 2019 (PSR p. 13); (2) Mr. Burns has successfully completed an inpatient treatment program that included drug treatment, anger management and family counseling and (3) Mr. Burns is gainfully employed working two jobs. One for Man Power at a warehouse making \$19.00 an hour and for Miller's a cleaning agency at night making \$16.00 an hour. (See, Ex. J) and (4) Mr. Burns has moved to Queens NY over an hour away from Middletown, New York and his former girlfriend Victim-1.

In considering the 3553(a) factors, the probation department fails to fully recognize that Mr. Burns has already been sentenced to 24 months for the bank fraud charges when he was sentenced in May of 2019. Similarly, although probation does recognize Mr. Burns rehabilitative efforts by completing inpatient treatment, additional consideration should be given in sentencing Mr. Burns for his extraordinary rehabilitation. He successfully completed a two-month inpatient program at Phoenix House (Ex. A & B); he completed a six-week Stop the Violence Program while at Westchester County Jail (Ex. C); he successfully completed the understanding Domestic Violence Course while at Phoenix House (Ex. D); and he successfully completed the 24/7 Dad Program at the Phoenix House. (Ex. E)

I. Application of the 3553(a) Factors Warrants a Non-Guideline Sentence For Victor Burns.

The challenge in this case, like all cases, is to determine a fair sentence that is sufficient but not greater than necessary. We can start with the general agreement that using someone's bank card without their permission is serious.

The overriding principle of 3553(a) requires a district court to impose a sentence "sufficient, but not greater than necessary," to satisfy the four purposes of sentencing set forth in 3553(a)(2). The four purposes of sentencing set forth in 3553(a)(2) are: (A) to reflect the seriousness of the offense, to promote respect for the law and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant and (D) to provide the defendant with the needed educational or vocational training, medical care or other correctional treatment in the most effective manner.

The overriding principle of imposing a sentence that is sufficient *but not greater than necessary* to achieve these ends requires that the Court must also take into account 18 U.S.C. § 3582, especially when considering rehabilitation, the fourth purpose of sentencing under 3553(a)(2)(D). (emphasis supplied) 18 U.S.C. § 3582(a) states that the court, in analyzing the 3553(a), factors must recognize that imprisonment is not an appropriate means of promoting correction and rehabilitation.

In determining whether the sentence is sufficient to comply with the 3553(a)(2) purposes of sentencing factors listed in § 3553(a). These factors are:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the kinds of sentences available;
- (3) the now advisory sentencing guidelines and policy statements;
- (4) the need to avoid unwarranted sentencing disparity; and
- (5) the need to provide restitution where applicable.

None of these factors are to be given greater emphasis than another. However, all of the factors are subservient to the overriding mandate to impose a sentence not greater than necessary.

II. The Section 3553(a) Factors Militate in Favor of a Below-Guidelines Sentenced.

There are several reasons present to vary downward and impose a lenient sentence pursuant to 18 U.S.C. § 3553(a). “A sentencing judge has very wide latitude to decide the proper degree of punishment for an individual offender and a particular crime.” *United States v. Cavera*, 550 F.3d 180, 189 (2d Cir. 2008); *see also United States v. Stewart*, 590 F.3d 93, 153 (2d Cir. 2009) (explaining that “a sentence outside the Guidelines carries no presumption of unreasonableness” and the “Guidelines are only one of the factors to consider when imposing [a] sentence” (internal citations and quotations omitted)). In considering the Section 3553(a) factors, sentencing courts should give no greater weight to the Guidelines calculations than to any of the other factors. *Kimbrough v. United States*, 552 U.S. 85, 101-02 (2007). Section 3553(a) requires that the Court impose a sentence “sufficient, but not greater than necessary,” to comply with the purposes set forth in that section. *United States v. Beaufort*, No. 13-CR-125, 2014 WL 1278090, at *2 (E.D.N.Y. Mar. 27, 2014); *see also United States v. Cull*, 446 F. Supp. 2d 961, 963 (E.D. Wis. 2006) (stating § 3553(a) “requires the court to impose the least severe sentence necessary to satisfy the four purposes of sentencing - punishment, deterrence, protection of the public and rehabilitation”). Here, a sentence of 5 months accomplishes these purposes.

1. The Nature and Circumstances of the Offense and the Characteristics of the Defendant

Section 3553(a)(1) instructs courts to consider the “nature and circumstances of the offense and the history and characteristics of the defendant” when crafting a sentence. Bank fraud is a

serious offense. However, Victor Burns was already sentenced to 24 months in May 2019 for this grade B violation when the guideline range was 12 to 18 months.

Similar to the bank fraud charges, the four specifications for the violations of supervised release all also relate to his ex-girlfriend V-1. These relate to Mr. Burns returning to Middletown to visit with her. On April 10, 2021 while on her porch he was assaulted and stabbed and Victim-1 drove him to the hospital. He returned to her home from the hospital to retrieve his car keys and she would not let him in so he damaged the door. Mr. Burns was wrong to reconnect with his ex-girlfriend. Although there may have been some good times their relationship is best described as toxic, laced with infidelity and jealousy. Victim-1 describes this in the letter she sent to Judge Seibel where victim-1 expresses her love for Mr. Burns and describing both her and Mr. Burns poor behavior. (Ex. F) Similarly, Victor's sister, mother, and current girlfriend all describe an unhealthy relationship between Victim-1 and Mr. Burns where he has tried to move on with his life without Victim 1 in his life. Mr. Burns has vowed that he has moved on. He has had no contact with Victim-1 for the last 10 months. He lives in Queens over an hour from Middletown and is working two jobs keeping himself occupied. He has a new girlfriend and lives in a stable environment with his sister.

CONCLUSION

It is respectfully requested that the Court sentence Mr. Burns to a non-guideline sentence of 5 months which would be sufficient to satisfy the sentencing factors but would be reasonable and not greater than necessary.

Respectfully,

/S/

MICHAEL K. BURKE

Cc: Assistant United States Attorney Marcia Cohen (via ECF)

Exhibit A

DATE OF REPORT:.. 2/4/22
REPORT PERIOD COVERING:
 10/21/21 to 12/13/21

CLIENT INFORMATION																														
Name: Victor Burns						Drug of Choice: Hallucinogens						Date of Admission: 10/21/2021						Est Date of Completion: 12/13/2021						NYSID# (Court Use Only)						
COURT INFORMATION																														
Court:						Case Manager:						Telephone:						Court Email:												
TREATMENT AGENCY																								RECOMMENDATION						
Treatment Agency Name: Phoenix House Ronkonkoma						Type/Modality: Residential						Preparer's Signature:						<input type="checkbox"/> Maintain Current Treatment Status <input type="checkbox"/> Referral for Additional Services <input type="checkbox"/> Consider for Completion <input type="checkbox"/> Revise Treatment Plan <input type="checkbox"/> Being Considered for Discharge												
Program Counselor: Victoria Moir						Program Contact: Same						Contact Telephone: 631-471-5666 ext. 5															Provider Email: vmoir@phoenixhouse.org			
DRUG SCREEN												TREATMENT PLAN																		
<input type="checkbox"/> Oral Swab						<input checked="" type="checkbox"/> Urine Specimen						Initial Tx Plan 10/23/21						Re-evaluation Date												
<input checked="" type="checkbox"/> Lab						<input checked="" type="checkbox"/> Breathalyzer						Last Tx Plan 12/13/21						Next Treatment Plan												
TREATMENT SCHEDULE / ATTENDANCE P=Present/ E=Excused/ A=Absent/ L=Late (Attendance not required for residential)																														
Month Oct-Nov						# sessions/wk 18						# hrs/wk 18						days/wk (check) M <input checked="" type="checkbox"/> T <input checked="" type="checkbox"/> W <input checked="" type="checkbox"/> Th <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/> Sa <input checked="" type="checkbox"/> Su <input checked="" type="checkbox"/>												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Month Dec						# sessions/wk 18						# hrs/wk 18						days/wk (check) M <input checked="" type="checkbox"/> T <input checked="" type="checkbox"/> W <input checked="" type="checkbox"/> Th <input checked="" type="checkbox"/> F <input checked="" type="checkbox"/> Sa <input checked="" type="checkbox"/> Su <input checked="" type="checkbox"/>												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
TOXICOLOGY (P=Positive N=Negative L=Lab/Pending Add * to Indicate Prescription Medication)																														
Date	BUP	THC	FTY	GAB	OPD	Syn Stim	Syn THC	Coc	BZO	Amp	PCP	Alc	MDT																	
Notes Client present for all above group/individual sessions, and no positive toxicology results																														
Key: BUP= Buprenorphine; THC=Cannabinoids; FTY=Fentanyl; GAB=Gabapentin; OPD=Opioids; Syn Stim=Synthetic Stimulant; Syn THC=Synthetic THC; Coc=Cocaine; BZO=Benzodiazepine; Amp=Amphetamine; PCP=Phencyclidine; Alc=Alcohol; MDT=Methadone																														
TREATMENT AREAS														SUPPORTIVE SERVICES (Indicate all services participant is attending)																
(N/A=not applicable, E=excellent, G=good, I=improved, NI=needs improvement)																														
TREATMENT AREA N/A E G I NI														Type of Service days/wk (check) # absences # attended																
Attitude towards Treatment <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														<input type="checkbox"/> Comm. Service M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sa <input type="checkbox"/> Su <input type="checkbox"/>																
Stability of med/psych health <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														<input type="checkbox"/> Educ./Voc. Ed. M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sa <input type="checkbox"/> Su <input type="checkbox"/>																
Status of Entitlements <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														<input checked="" type="checkbox"/> Med./Psych. M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sa <input type="checkbox"/> Su <input type="checkbox"/>																
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Participates in all program <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														<input type="checkbox"/> Probation M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sa <input type="checkbox"/> Su <input type="checkbox"/>																
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Educational/Vocational/Employment <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>														<input type="checkbox"/> Other M <input type="checkbox"/> T <input type="checkbox"/> W <input type="checkbox"/> Th <input type="checkbox"/> F <input type="checkbox"/> Sa <input type="checkbox"/> Su <input type="checkbox"/>																
Medical/Dental Compliance <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																														



New York State Unified Court System Treatment Court Progress Form

Page 2 (Mandatory for all
Family Treatment Court Cases)

Client Name: _____

PEER ADVOCATE SERVICES – COMMENTS

Please be specific and include recommendations and other relevant progress

ADDITIONAL COMMENTS (Not Required)

Please be specific and include recommendations, relevant progress, responses to identified problems, changes in treatment plan, achievements, and issues with which the court may be able to assist

While a client at Phoenix House, Victor showed he was motivated towards all aspects of treatment and motivated to remain sober. Victor attended groups regularly and participated, and attended weekly individual sessions with counselor and was honest, forthcoming, and worked hard on all goals and objectives. Victor showed he was highly motivated to find work, to learn skills to remain the best parent possible via Fatherhood Initiative, showed an interest in continuing his care by enrolling in outpatient services, and always asked a lot of questions to ensure he followed the guidelines of his recovery and rules of treatment as best he could.

UPDATE ON CHILDREN (Mandatory for Family Treatment Court)

Comments, concerns and issues regarding children where the court may be able to assist: (Please include names of children and date of occurrence if known) (e.g., child visitation and child service issues, parent/child interaction, etc.)

CLIENT SELF-REPORTED:

TREATMENT PROVIDER OBSERVED:

FAMILY SERVICES:

**** Any information reported on this form does not release treatment provider from any responsibility to immediately notify the appropriate child service agency (e.g., ACS) and/or the court of any outstanding issues or concerns**

Exhibit B

12/29/21, 10:50 AM

Test Details

DISCHARGE SUMMARY

PHOENIX HOUSES
OF LONG ISLAND
INC

34-11 Vernon Blvd
Long Island City NY
11106

Phone: 17182226675

Patient Name: Burns, Victor
Patient DOB: 10-Sep-1986
Patient ID: 829181
Screening Status: Complete
Completion Code: Assessment Completed
Screening Mode: Not Present
Location: Ronkonkoma Center - Bldg. 153
Administered By (Name): Victoria Moir
Supervisor: Vincenzo Panico, Advanced CASAC
Screen Date: 28-Dec-2021
Signed? Yes

Discharge Summary

Client Information (ADT Screen)

1. Final Service Site Controlled environment- SA residential treatment
2. Referring Agency St. John's
3. Intake Date 13-Dec-2021
4. Discharge Date 27-Dec-2021
5. Discharge Reason Completion
6. Highest Grade at Discharge 2nd yr college, no diploma
7. Employment Status at Discharge Unemployed - Looking for Work
8. Living Arrangement at Discharge Private house/apartment
9. Presenting Problem (ADT Screen Intake Notes):

Client met DSM IV criteria for hallucinogen use disorder, severe, Cannabis Use Disorder, Severe, and Alcohol Use Disorder, mild.

Clinical Assessment and Formulation

10. Summary of Treatment (include engagement in clinical services and any challenges experienced in treatment):

Client completed 55% of goals, and 78% of objective. Client attended groups regularly and was an active participant. Client attended individual session each week with counselor and engaged. Client completed Fatherhood Initiative Program. Client attended some self help groups.

11. Overall Summary (describe circumstances of discharge and referrals made):

Client completed more than half of goals. Client was referred to outpatient services. Client was approved to discharge earlier than previous date decided upon by staff as positive covid results in house posed a greater risk of client possibly contracting the virus.

12) Diagnoses

F1620 Hallucinogen dependence, uncomplicated; F1220 Cannabis Depend Unspec; F1010 Alcohol Abuse

12/29/21, 10:50 AM

Test Details

13) Medications

Melatonin 10mg take 1 cap at bedtime, mirtazapine 15 mg tab take 1 tab before bedtime, Terbinafine 1 percent cream

Signatures

Electronic Signature/Credentials

Victoria Moir, Clinician, CASAC-T

December 28, 2021 03:46:06 pm

Date of Signature

Exhibit C

Riverside Health Care System, Inc.

St. John's Riverside Hospital - Park Care Pavillon

Behavioral Health Services

Resolve to Stop the Violence Program (RSVP)

Date: 8/13/21

FACSIMILE TRANSMISSION

TO: Mr. Michael K Burke, Esq

Company: Attorney Phone 914 385-6030

FROM Ricardo Matthews, CASAC Fax: 914 385-6060

Program: RSVP Program Phone #: 914 231-1199

Number of pages (including cover page) 3

Message: Mr. Vactor Burns DOB. 8/8/94

CONFIDENTIAL COMMUNICATION

THIS TRANSMISSION IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE DESTROY THE FAXED MATERIALS AND CONTACT THE SENDER IMMEDIATELY AT SOLUTIONS, TELE: (914) 231-1314. ANY UNAUTHORIZED FURTHER DISCLOSURE IN VIOLATION OF FEDERAL LAWS MAY RESULT IN FINE OR JAIL SENTENCE OR BOTH.

PROHIBITION ON REDISCLOSURE OF CONFIDENTIAL COMMUNICATION

THIS NOTICE MAY ACCOMPANY A DISCLOSURE OF INFORMATION CONCERNING A CLIENT IN ALCOHOL/DRUG TREATMENT, MADE TO YOU WITH THE CONSENT OF SUCH CLIENT. THIS INFORMATION HAS BEEN DISCLOSED TO YOU FROM RECORDS PROTECTED BY FEDERAL CONFIDENTIALITY RULES (42 C.F.R. PART 2). THE FEDERAL RULES PROHIBIT YOU FROM MAKING ANY FURTHER DISCLOSURE OF THIS INFORMATION UNLESS FURTHER DISCLOSURE IS EXPRESSLY PERMITTED BY THE WRITTEN CONSENT OF THE PERSON TO WHOM IT PERTAINS OR AS OTHERWISE PERMITTED BY 42 C.F.R. PART 2. A GENERAL AUTHORIZATION FOR THE RELEASE OF MEDICAL OR OTHER INFORMATION IS NOT SUFFICIENT FOR THIS PURPOSE. THE FEDERAL RULES RESTRICT ANY USE OF THE INFORMATION TO CRIMINALLY INVESTIGATE OR PROSECUTE ANY ALCOHOL OR DRUG ABUSE PATIENT.

**St. John's Riverside Hospital
Behavioral Health Services
Certificate of Completion**

Awarded to

Victor Burns

for completing the

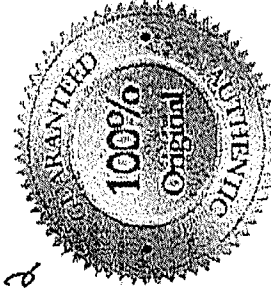
Resolve To Stop the Violence Project (RSVP)

Joseph Hall, MS, CASAC-MC

Joseph Hall, MS, CASAC-MC
Clinical Supervisor

Ricardo Matthews, CASAC-2

Ricardo Matthews, CASAC-2
Program Facilitator



CERT# 744

7/30/21

DATE

Matthews, Ricardo

From: Steven Hollis <shollis@phoenixhouseny.org>
Sent: Wednesday, June 30, 2021 3:39 PM
To: Matthews, Ricardo
Subject: Victor B.

Good afternoon Mr. Matthews,

In regards to Victor Burns' phone screening, it has been determined Victor is eligible and appropriate for services, and is approved for admission to Phoenix House Parkside Campus, located in Long Island City, NY.

If you have any questions or concerns, please feel free to contact me at the number below.

Thank you

Steven Hollis, CASAC
Admissions Counselor
Phoenix House
34-25 Vernon Boulevard
Long Island City, NY 11101
(Ph)212-831-1555 Ext. 3886
(Fax)631-237-3478
shollis@phoenixhouseny.org

Exhibit D

Certificate of Completion

This is to certify that

VICTOR BURNS

Has successfully completed the 3.0 Hours

Understanding Domestic Violence Course



LONG ISLAND
FATHERHOOD
INITIATIVE

National
Fatherhood
Initiative®

December 14, 2021

with the Retreat Inc's LIFI Program

5 *Romarie McCue*

Romarie McCue, Program Director
Long Island Fatherhood Initiative Program

Exhibit E

This Certificate of Completion

certifies that

VICTOR BURNS

Has successfully completed the

24/7 Dad™ Program



LONG ISLAND
FATHERHOOD
INITIATIVE

Conducted on

December 14, 2021

National
Fatherhood
Initiative®

with the Retreat Inc's LIFI Program

Romarie McCue

Romarie McCue, Program Director
Long Island Fatherhood Initiative Program

Christopher A. Brown

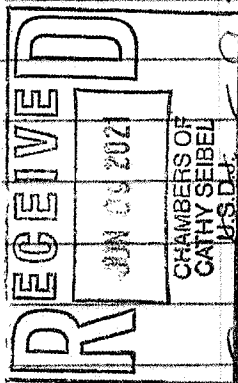
Christopher A. Brown, President
National Fatherhood Initiative

Exhibit F

Dear Judge Siebel,

6-3-21

Your honor I apologize for taking up your time with this letter but I had reached out to both Mr. Burns probation officer as well Mrs. Cohen to express my remorse for this entire situation but ultimately I feel being heard by you may help me get some peace of mind. Your honor after the last time I was in your court room I'm sure you hoped we would never interact with one another again. I honestly whole heartedly love Mr. Burns. I also know whole heartedly that we are not well together. I do not want you to feel that this letter was forced or asked of me and I do not want you to believe I am excusing either one of our behaviors but I do have to make the night in question clear. Victor did not make me fear for my safety. He did not physically assault me at any point when he was home this last time. I do believe that Mr. Burns has tried to make some sort of a change within himself. He was much more present in his own life. He tried to be more patient with me. Unfortunately Mr. Burns struggles

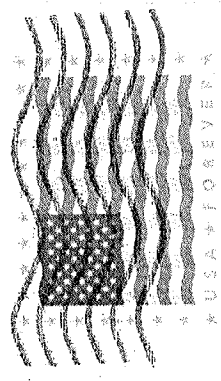


With infidelity which is why our relationship
 always has trouble. The night in question I
 had kicked Mr. Burns out for being unfaithful
 and he ended up being stabbed. I took him
 to the hospital but left him there and
 came back home. I had driven his car
 back so the keys were in my house. I did
 refuse to let him in and so he broke the
 door. Again, please know I am not excusing
 his behavior. I am aware as is he that
 breaking someone's door is against the law.
 However I did not reach out to Alex until
 after Mr. Burns had left and I found out
 he was with another woman. I reach out
 out of anger and spite not fear and that
 is why I feel guilt and remorse. Mr. Burns
 is a grown man who needs psychological
 help but I do not feel he should serve the
 maximum sentence for this offense. I am
 asking for mercy when sentencing. I understand
 my part in this as well and you have my
 word that I will no longer be in a relationship
 with him again but I had to write you to
 clear my mind. Thank you so much for your
 time!!! Respectfully, ~~_____~~
~~_____~~

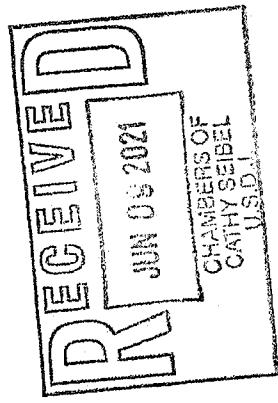
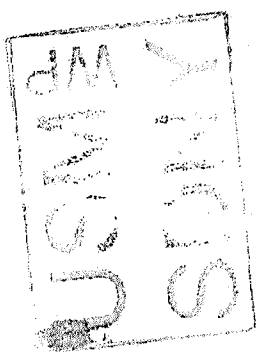
If you have further questions
or concerns, please feel free to
reach me at [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

WESTCHESTER NY 105
7 JUN 2021 PM 2 L



*Kathy Siebel
300 Chambers St
White Plains NY 10601*



10501-914000

Exhibit G



From: Sanford G. Jacobs SJacobs@hwb-lawfirm.com
Subject: FW: Victor Burns
Date: May 18, 2021 at 9:16 PM
To: Michael K. Burke mburke@hwb-lawfirm.com

Please see below.

Thanks

Sanford G. Jacobs, Esq.
HODGES WALSH & BURKE, LLP
55 Church Street, Suite 211
White Plains, New York 10601

Telephone: 914-385-6000
Facsimile: 914-385-6060

SJacobs@hwb-lawfirm.com

----- Original message -----

From: Natasha Burns <nburns0@gmail.com>
Date: 5/18/21 9:23 AM (GMT-05:00)
To: "Sanford G. Jacobs" <SJacobs@hwb-lawfirm.com>
Subject: Victor Burns

Greetings,

I am writing this email on behalf of my brother Victor Burns. Mr. Burns was paroled to my residence at 120 Beach 26th Street Apt 610 Far Rockaway NY, 11691 upon his release date on August 18th 2020.

During his stay in my home, he has been a tremendous help with my son Noah. I am a full time employee at Quest Diagnostics with early morning hours and Mr. Burns became my caregiver for my son.

Mr. Burns will help me with groceries, cleaning, laundry, and would also have his son Kamden Burns visit. During Kamden's visit Victor would assist his son with his online school work.

During his release, Victor has earned his permit to drive, as well as had an upcoming road test scheduled on May 12th, 2021 prior to his arrest on May 7th, 2021.

He has had such an amazing turn around, and had a lot of positive things going for him self.

He also met a very sweet young lady by the name of Melissa who happens to live just walking distance from my home. It was nice to see him in such high spirits with her.

It seems as if whenever he is trying to stay away from J [REDACTED] his previous girlfriend, she finds a way to make everything negative.

Although, Burns was ordered to stay away from J [REDACTED] and we all know he should have, both of them were in love. It was not Burns harassing her. I am a witness to there relationship.

Burns tried several times to let J [REDACTED] know that he didn't want to be with her. Once he stopped answering phone calls and text messages, J [REDACTED] found a way into his T-mobile account.

She called several females, which one in particular was Melissa. After finding out Victor was trying to build a friendship with the young lady Melissa, J [REDACTED] contacted his probation officer.

After J [REDACTED] made his probation officer aware of his dealings with her, she was calling Burns being very apologetic for what she has done.

[REDACTED] has been to my residence after she contacted Mr. Burns probation officer. Although, I did not allow her in my home, they were in the req room in my building playing pool.

My building has 24 hour security along with cameras. [REDACTED] came to my residence twice after she contacted Burns and he was placed on house arrest.

She also slept in her car in front of my building which would also be on camera.

There was another situation where [REDACTED] sold her car to one of Victor's friends for \$900. Once, Jane found out Burns was in other relations with females, she gave the car away to her children's father but kept the young man's money.

I am a witness to hearing the young man ask for the car or his money back and Burns reaching out to [REDACTED] which she stated, she doesn't have the money to give back to the friend and that it is Victor's problem not hers.

Whenever Victor is doing positive things in his life and doesn't want to be with [REDACTED] she tries to make his life extremely difficult.

She causes a lot of negative impact in his life. Although, I tell my brother that he put himself in this situation, because he should have listened to the judge knowing they are toxic for each other. He doesn't deserve to be put away because of simply wanting to move on with his life with Jane not being apart of it.

Since his arrest, my nephew Kamden has called me every day asking where is his dad and why isn't he picking up his phone calls.

My son spins his self around on the floor laughing because Victor did that with him everyday.

My brother is not a bad person, he just makes stupid decisions at times.

Please allow him to continue that bond he was building with his child. Please allow him to feel that excitement of passing his road test. Please allow him to find a job or go back to school. Please allow him to progress in life.

Thank you!
Natasha Burns
347-367-7061

She stated for

Sent from my iPhone

From: Sanford G. Jacobs SJacobs@hwb-lawfirm.com
Subject: FW: Victor Burns
Date: May 22, 2021 at 9:46 PM
To: Michael K. Burke mburke@hwb-lawfirm.com

Please see below.

Enjoy the rest of the weekend.

Sanford G. Jacobs, Esq.
HODGES WALSH & BURKE, LLP
55 Church Street, Suite 211
White Plains, New York 10601

Telephone: 914-385-6000
Facsimile: 914-385-6060

SJacobs@hwb-lawfirm.com

----- Original message -----

From: Natasha Burns <nburns0@gmail.com>
Date: 5/22/21 9:50 AM (GMT-05:00)
To: "Sanford G. Jacobs" <SJacobs@hwb-lawfirm.com>
Subject: Victor Burns

Greetings,

I am writing this email regarding my brother Victor Burns.

Below is an image I attached of a small cellular device that J [REDACTED] purchased from her Amazon account.

Upon J [REDACTED]'s return from a trip she took to Miami, she came from JFK airport and drove to my residence which is about a 30 minute drive or less.

She gave Victor the cellular device in hopes he can sneak it into the jail so they can still communicate with one another knowing Burns would not be able to contact her once in jail.

Once again, my residence has 24 hour surveillance cameras and I am sure you can check to see where the cellular device was purchased from through Amazon.





Sent from my iPhone

Exhibit H

From: Sanford G. Jacobs SJacobs@hwb-lawfirm.com
Subject: FW: Victor Burns Letter
Date: May 23, 2021 at 10:20 PM
To: Michael K. Burke mburke@hwb-lawfirm.com



Please see below.

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----- Original message -----

From: Lorraine Fisher <lorrainefisher1020@gmail.com>
Date: 5/23/21 9:59 PM (GMT-05:00)
To: "Sanford G. Jacobs" <SJacobs@hwb-lawfirm.com>
Subject: Victor Burns Letter

Greetings,

My name is Lorraine Fisher and I am the mother of Victor Burns.

I am writing this letter not to pursued you of his punishment for his decision he chose to not obey the judge's order to stay away from [REDACTED].

I am simply notifying you of my own witnessing to there relationship. I would also like to inform you of my son's positive life changing progress he had going for himself since his return to society.

Although, my son is the individual on probation, [REDACTED] makes it extremely hard on him to stay away. I know it may sound silly to say because Victor is an adult, but [REDACTED] is far from innocent in this situation.

[REDACTED] has showed up to my home on numerous occasions at early morning hours excessively honking her horn looking for Victor.

She has shown up to my home on several occasions when Victor tells her he can't be with her anymore. I informed her that Victor does not live here and she can not come to my home. I informed her many times to please stay away from my home.

There was also a time I purchased a cell phone for Victor and a week later [REDACTED] cracked his screen. I was left with the responsibility of paying for the broken phone.

[REDACTED] is very possessive and when she does not get her way with him she notifies his parole officer.

Once Victor notified me of Jane breaking into his T-mobile account and harassing females who he has contact with, I expressed to him that he should notify his probation officer or perhaps bring it to his counselor's attention and maybe ask for advice on what he should do.

Victor stated to me that he did notify his probation officer but she informed him that Jane is not the one on probation.

My son was finally heading towards the right direction. He paid his previous driving tickets and earned his permit. He had a scheduled road test coming up.

Victor was spending a lot of time with his son. To see my grandson so happy to be with his dad was an amazing feeling. Victor attended Kam's football games every Sunday.

Victor was also looking into getting his CDL. He talked about driving for Amazon or Fed ex once he received his license. He had a lot of high hopes and it was a great sight to see.

My son has spent most of his youth in prison and it was always for making stupid decisions. My husband and I try our best to push him in the right direction. There's a saying "You can't help someone who doesn't want to help themselves".

For once in my son's life, he wanted to help himself. He was helping himself. Prison is not going to continue that path of him going towards the right direction.

Best Wishes

Lorraine A. Fisher

Exhibit I

From: Sanford G. Jacobs SJacobs@hwb-lawfirm.com
Subject: FW: In reference to VICTOR BURNS
Date: May 18, 2021 at 9:20 PM
To: Michael K. Burke mburke@hwb-lawfirm.com



Another email regarding Burns.

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Sjacobs@hwb-lawfirm.com

----- Original message -----

From: Melissa Morales <mmorales0325@yahoo.com>
Date: 5/18/21 8:11 PM (GMT-05:00)
To: "Sanford G. Jacobs" <SJacobs@hwb-lawfirm.com>
Subject: In reference to VICTOR BURNS

Hello good evening Michael Burke my name is Melissa Morales I'm sending you this message in ref to victor burns I screenshot my T-Mobile call history to show that [REDACTED] had reached out to me from a fake call app to tell me that she knows where victor is and she was going to "fuck him up" and she actually put a voice as if it was a male if I have to testify and swear under oath that she did contact me in reference to victor. That is my T-Mobile call log fit shows when I met victor and began to talk and then when i received a call from a fake text/call app with the same area code 845 . Feel free to give me a call if needed thank you , Melissa Morales ([REDACTED])

Sent from my iPhone



MELISSA

Call details

Mar 19 - Apr 18, 2021

Total: 4526 minutes

Total charges: \$0.00

04/15/2021, 03:21 PM

to Bronx Nyc/NY

(347) 847-5733

62 Min

T-Mobile to T-Mobile

T-Mobile to T-Mobile

04/15/2021,03:19 PM

to Mountkisco/NY

(914) 602-4720

--

1 Min

T-Mobile to T-Mobile

04/15/2021,03:10 PM

Incoming

(973) 557-7366

--

4 Min

--

04/15/2021,02:45 PM

to New York/NY

(646) 415-4179

--

1 Min

--

04/15/2021,01:36 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/15/2021,11:59 AM

to White Pls/NY

(914) 671-0303

--

4 Min

T-Mobile to T-Mobile

04/15/2021,10:22 AM

to Bronx Nyc/NY

(347) 847-5733

--

21 Min

T-Mobile to T-Mobile

04/14/2021,11:06 PM

to Nyack/NY

(845) 675-2528

--

114 Min

T-Mobile to T-Mobile

04/14/2021,09:22 PM

04/14/2021,09:33 PM

Incoming

(347) 847-5733

--

29 Min

T-Mobile to T-Mobile

04/14/2021,09:18 PM

to Nyack/NY

(845) 675-2528

--

12 Min

T-Mobile to T-Mobile

04/14/2021,08:50 PM

to Bronx Nyc/NY

(347) 847-5733

--

29 Min

T-Mobile to T-Mobile

04/14/2021,08:48 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/14/2021,08:46 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/14/2021,08:46 PM

Incoming

(929) 470-6521

--

2 Min

--

04/14/2021,08:43 PM

to Bronx Nyc/NY

(347) 847-5733

--

4 Min

T-Mobile to T-Mobile

04/14/2021,08:41 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/14/2021,08:35 PM

to Bronx Nyc/NY

(347) 847-5733

--

4 Min

T-Mobile to T-Mobile

04/14/2021,08:34 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/14/2021,08:31 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/14/2021,08:30 PM

to Nyack/NY

(845) 675-2528

--

1 Min

T-Mobile to T-Mobile

04/14/2021,08:30 PM

to Monroe/NY

(845) 604-5408

--

1 Min

--

04/14/2021,08:29 PM

Incoming

(845) 604-5408

--

1 Min

--

04/14/2021,08:29 PM

Incoming

(845) 604-5408

--

1 Min

--

04/14/2021,08:11 PM

Incoming

(646) 415-4179

--

2 Min

--

04/14/2021,07:54 PM

Incoming

(646) 415-4179

--

1 Min

--

04/14/2021,07:24 PM

to New York/NY

(917) 941-7559

--

1 Min

--

04/14/2021,03:04 PM

to Bronx Nyc/NY

(347) 847-5733

--

4 Min

T-Mobile to T-Mobile

04/14/2021,02:47 PM

Incoming

(845) 675-2528

--

16 Min

T-Mobile to T-Mobile

04/14/2021,02:14 PM

Incoming

(917) 547-7832

--

5 Min

T-Mobile to T-Mobile

04/14/2021,01:41 PM

to New York/NY

(917) 547-7832

--

8 Min

T-Mobile to T-Mobile

04/14/2021,01:37 PM

Incoming

(917) 547-7832

--

4 Min

T-Mobile to T-Mobile

04/14/2021,12:26 PM

to Bronx Nyc/NY

(347) 847-5733

--

49 Min

T-Mobile to T-Mobile

04/14/2021,12:04 PM

to Mahopac/NY

(914) 621-5982

--

5 Min

--

04/14/2021,11:56 AM

to New York/NY

(646) 415-4179

--

1 Min

--

04/14/2021,11:24 AM

to New York/NY

(646) 415-4179

--

1 Min

--

04/14/2021,09:37 AM

to Queens Nyc/NY

(718) 327-8435

--

1 Min

--

04/13/2021,11:55 PM

to New York/NY

(646) 415-4179

--

1 Min

--

04/13/2021,10:16 PM

Incoming

incoming

(347) 847-5733

4 Min

T-Mobile to T-Mobile

04/13/2021,09:28 PM

Incoming

(347) 847-5733

27 Min

T-Mobile to T-Mobile

04/13/2021,09:22 PM

to Bronx Nyc/NY

(347) 847-5733

6 Min

T-Mobile to T-Mobile

04/13/2021,03:14 PM

to Bronx Nyc/NY

(347) 847-5733

1 Min

T-Mobile to T-Mobile

04/13/2021,02:46 PM

Incoming

(646) 288-1432

5 Min

Call Waiting

04/13/2021,02:34 PM

to Bronx Nyc/NY

(347) 847-5733

13 Min

T-Mobile to T-Mobile

04/13/2021,02:06 PM

to Bronx Nyc/NY

(347) 847-5733

1 Min

T-Mobile to T-Mobile

04/13/2021,01:40 PM

to Bronx Nyc/NY

(347) 847-5733

4:54:11 PM

1 Min

T-Mobile to T-Mobile

04/13/2021,01:20 PM

to Bronx Nyc/NY

(347) 847-5733

--

11 Min

T-Mobile to T-Mobile

04/13/2021,11:16 AM

to New York/NY

(646) 415-4179

--

1 Min

--

04/13/2021,10:15 AM

to Bronx Nyc/NY

(347) 847-5733

--

4 Min

T-Mobile to T-Mobile

04/13/2021,10:08 AM

to New York/NY

(917) 455-6069

--

7 Min

--

04/13/2021,10:07 AM

Incoming

(718) 327-8435

--

1 Min

Call Waiting

< 1 2 3 4 5 ... 10 >

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Exhibit J

From: Victor Burns vburns91086@gmail.com
 Subject: Proof of employment
 Date: February 4, 2022 at 2:52 PM
 To: mburke@hwb-lawfirm.com



2:49	
Account History	
Electronic Deposit	\$678.62
MANPOWER /	\$824.59
MILWAUKEE WI -	
PAYROLL	
JAN 21, 2022	
Electronic Deposit	\$145.63
MILLERS / TOUCH	\$145.97
CL 1233236186 RI -	
DIRECT DEP	
JAN 21, 2022	
Point Of Sale	-\$9.79
Withdrawal /	\$0.34
SLICE*BROTHERBRUNO	
SLICELIFE.COMNYUS	
JAN 20, 2022	
Point Of Sale Deposit	\$9.75
Cash / App*Cash Out	\$10.13
Visa Direct CAUS	
JAN 20, 2022	
Point Of Sale	-\$9.88
Accounts	Make a tra...
Bill Pay	Check Dep...
More	